

**EXHIBIT 6-K INSTRUCTIONS FOR COMPLETING THE PRELIMINARY ENVIRONMENTAL SCREENING
FOR NON-INFRASTRUCTURE PROJECTS (PES[NI]) FORM**

The Preliminary Environmental Screening for Non-Infrastructure Projects [PES(NI)] form may only be used for local assistance federal-aid “**non-infrastructure**” projects ‘off’ the State Highway System (SHS). The local agency may not proceed with any reimbursable activities prior to the project’s inclusion in a federally approved Federal Statewide Transportation Improvement Program (FSTIP) and receipt of “Authorization to Proceed” notification from Caltrans. (See LAPM, Chapter 3, “Project Authorization,” Section 3.2). Detailed instructions for completing the PES(NI) form are provided below.

Complete the Project Information Section of the PES (NI) form as follows:

Federal-Aid Project No: (Federal Program Prefix-Project No., Agreement No.) Example: RPSTPLE 5017(020). Obtain federal-aid project number from your District Local Assistance Engineer (DLAE). This number is required in order for the district local assistance environmental generalist to process the PES(NI) form .

To: (Name and address of district local assistance engineer to whom project has been assigned)

From: (Name and address of local agency project engineer or manager)

Is the Project “ON” the SHS? Check “Yes” or “No.” If Yes, **STOP**, and contact the DLAE regarding the Caltrans policy on local agency projects “on” the SHS. Based on information contained in the policy memo referenced below, local agency projects “on” the SHS are processed as State Highway Projects in accordance with procedures set forth in the *Caltrans Project Development Procedures Manual*.

Note: The current and long-standing policy is for Caltrans to be the California Environmental Quality Act (CEQA) lead agency for improvement projects “on” the SHS. Caltrans practice of acting as CEQA Lead for projects on the SHS is based on the Caltrans statutory obligation to plan, design, construct, operate and maintain the SHS as well as its actual ownership of the SHS. Further, as owner of the right of way, Caltrans is the entity ultimately responsible for property stewardship of all resources within state right of way. This stewardship obligation cannot be delegated to others. This applies even if the project is financed by others.

In certain limited cases, and only when it is in the best interests of the state, Caltrans may delegate CEQA lead agency status to a local agency. Such delegations can only be made by the district director. The district director will provide a written justification for the delegation, which becomes the authorizing document for a cooperative agreement between Caltrans and the local agency. The delegation is then formalized through an executed written agreement, which outlines the roles and responsibilities of each party. These delegations are the exception rather than the rule.

For guidance on determining CEQA lead agency status on local agency projects on the SHS, see Caltrans policy memo provided at:

http://www.dot.ca.gov/ser/downloads/memos/CEQA_Lead_Agency_24Jun04.pdf

Federal Statewide Transportation Improvement Program (FSTIP): Enter the current FSTIP approval date for the project, write the project description exactly as it appears in the FSTIP, and attach a copy of the approved FSTIP page (*showing the project or group of projects*) to the PES(NI) form.

The FSTIP information can be obtained from the MPO.

Note: The California FSTIP is a multi-year, statewide, intermodal program of transportation projects that is consistent with the statewide transportation plan and planning processes, metropolitan transportation plans, and Federal Transportation Improvement Programs (FTIPs). The purpose of the FSTIP is to ensure that federal transportation funding continues to flow into California as a result of complying with federal

regulations pertaining to programming. The FSTIP is prepared by Caltrans in cooperation with the Metropolitan Planning Organizations (MPOs) and is approved by FHWA and FTA. The FTIPs/FSTIP contains all capital and non-capital transportation projects, or identified phases of transportation projects proposed for funding under the Federal Transit Act and Title 23 of the United States Code including federally funded projects. The FSTIP must be financially constrained by year and include sufficient financial information to demonstrate that projects can be funded as programmed. Only projects with funds that are reasonably expected to be available may be programmed in the FSTIP.

Construction Programming for FSTIP: Identify the fiscal year and dollar amount programmed in the current FSTIP under the construction phase. *Note: According to the 9/28/07 Interim Policy on Authorization of Non-construction Federal-aid Projects, funding for projects included under grouped project listings (lump sum) are typically programmed under the construction phase in the FSTIP. For non-construction projects, the detailed (back up) listing for the grouped projects shall also show funding under the construction phase. For all other grouped project listings, the detailed listing may show other applicable phases. Funding for non-construction projects that are individually listed shall also be programmed under the construction phase in the FSTIP.*

Complete Section A of the PES (NI) Form:

Check “Yes,” “No,” or “TBD” as appropriate for each question. Use “TBD” when there is insufficient information available to provide a definitive “Yes” or “No” response. List all “TBD” items on the PES (NI) Continuation Sheet and research as needed to affirm a “Yes” or “No” response. Based on research results, change all “TBD” responses to either “Yes” or “No” responses as appropriate. One or more “Yes” responses require preparation of the regular PES. All “TBD” items must have a definitive “Yes” or “No” response prior to the local agency signature on the PES (NI) form. If additional space is not needed for the project description and there are no “TBD” items requiring further research, it is not necessary to include the Continuation sheet with the signed PES(NI) form.

Note(1): Questions 16-21 pertain to indoor and outdoor activities, which have the potential to generate temporary noise and traffic congestion, reduce available parking, temporarily affect access to properties and roadways, and disrupt the quietude of neighborhoods. While activities of this nature are typically regulated by city and county use permit, the terms and conditions of those permits are not known until after the NEPA document is approved. For this reason, a “yes” response to these questions triggers the preparation of a regular PES form to ensure consideration of and compliance with the provisions of Sec 4(f) 49 U.S.C. 303), (23 CFR 771.111(h)(2)(iii) impacts on abutting properties, U.S. DOT Order Title VI disrupt neighborhoods/communities, and E.O. 12898 (on Environmental Justice) disproportionate adverse environmental impacts on minority or low-income populations.

Note(2): Questions 24-28 pertain to the development of plans and programs of action. Because plans and programs have the potential to commit to actions before they are fully evaluated under federal environmental law (for example, Section 7 and Section 106) (23 CFR 771.111(f)(3)), and because SAFETEA-LU mandates the early consideration of environmental resources during planning, projects of this nature may not be processed with the PES(NI). Completion of the regular PES form will be required.

Complete Section B of the PES (NI) Form: (PRELIMINARY NEPA CLASS OF ACTION)

Complete the **NEPA Class of Action** section by placing a check mark next to Categorical Exclusion (CE) under SAFETEA-LU Section 6004 (23 U.S.C. 326) and identify the specific activity that is most applicable for the action. In cases where the project does not qualify under Section 6004, check Section 6005(23 U.S.C. 327).

Complete the **Unusual Circumstances** section by placing a check mark in the box preceding each bulleted item to affirm that action will not result in impacts, controversy or inconsistencies as specified. Complete the **Compliance with other Federal Environmental requirements** section by placing check mark in the box preceding each resource listed to affirm the statement.

Complete the Signatory Section of the PES (NI) Form:

The **Local Agency Project Engineer's** signature means that the PES(NI) form was prepared by them or under their direct supervision and that the screening concluded that the project is of a non-infrastructure nature, involving no disruption to the ground or natural environment.

The **Caltrans district senior environmental planner (or designee) and DLAE** signatures mean that they concur that the project involves no disturbance to the ground or natural environment, that the action(s) is/are covered under Attachments C and D, that the recommended NEPA Class of Action is a CE pursuant to NEPA, and that the project is in compliance with all other applicable environmental laws, regulations and Executive orders.

Distribution: The original signed PES(NI) form and Attachments C and D shall be maintained in the DLAE's project file. A copy of the signed PES(NI) form with Attachments C and D shall be retained by the local agency project manager and the district SEP (*or designee*) for the project file.

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EXHIBIT 6-K ATTACHMENT A- UNDERTAKINGS EXEMPT FROM FURTHER REVIEW MEMO (JUNE13, 2011)

State of California
DEPARTMENT OF TRANSPORTATION

Business, Transportation and Housing Agency

M e m o r a n d u m

*Flex your power!
Be energy efficient!*

To: MARGARET BUSS
Chief, Division of Local Assistance
Office of NEPA Delegation and Environmental Compliance

Date: June 13, 2011

File: Cultural

From: ANMARIE MEDIN
Chief
Cultural Studies Office



Subject: Undertakings exempt from further review

As you know, Attachment 2 of the Programmatic Agreement for Section 106 of the National Historic Preservation Act (PA) implemented January 1, 2004 identifies classes of screened undertakings. Certain ground-disturbing activities with minimal potential to affect historic properties may be screened by California Department of Transportation (Caltrans) Professionally Qualified Staff (PQS) in the appropriate cultural resources discipline. PQS may determine that one or more such activity has no potential to affect historic properties, and therefore is not subject to further review under the PA.

Separate from this list of screened undertakings, there are a number of non construction-related actions that may use federal aid highway funding and therefore meet the broad definition of an undertaking set forth in 36 CFR Part 800 (the regulations implementing Section 106) but have been determined by Cultural Studies Office PQS to have no potential to affect historic properties

1. Ridesharing activities, including purchase of vehicles, but not including establishment of park-and-ride lots.
2. Program administration, technical assistance activities, and operating assistance to transit authorities to continue existing service or increased service to meet routine changes in demand.
3. Freeway service patrol.
4. Conversion of vehicles to alternative fuels.
5. Alteration of vehicles to make them accessible for the elderly or persons with disabilities
6. Contracts to hire media organizations to produce non-English language commercials.
7. Purchase of transit fare boxes.
8. Upgrading diesel powered vehicles.
9. Purchase of transit buses.
10. Classroom training.
11. Software development.
12. Purchase of CNG or alternative fuel vehicles
13. Purchase of school buses
14. Computer purchases
15. Safety education for pedestrians and bicyclists

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16. Virtual museums
17. Educational outreach
18. HSIP safety awareness and public outreach
19. Traffic data collection and analysis
20. Purchase crossing guard uniforms
21. Purchase cones
22. Preparation of crossing plans
23. Publicity
24. Staff time
25. Public awareness campaigns and outreach to press and community leaders
26. Traffic education and enforcement in the vicinity of schools
27. Student sessions on bicycle and pedestrian safety
28. Conducting school traffic safety rodeos or bicycle rodeos
29. Training volunteers and managers of safe routes to school programs
30. Modest incentives for SRTS contests, and incentives that encourage more walking and bicycling over time
31. Creation of safety and educational tokens that also advertise the program.
32. Photocopying, duplicating, and printing costs, including CDs, DVDs, etc.
33. Mailing costs.
34. Costs for data gathering, analysis, and evaluation reporting at the local project level.
35. Pay for substitute teacher if needed to cover for faculty attending SRTS functions during school hours.
36. Costs for additional law enforcement or equipment needed for enforcement activities.
37. Equipment and training needed for establishing crossing guard programs.
38. Stipends for parent or staff coordinators.
39. Costs to engage the services of a consultant (either non-profit or for-profit) to manage an SRTS program as described in the prior bullet.
40. Implementation of walking school bus program
41. Walkability/bikeability audits
42. Preparation of SRTS mapping
43. Conducting an effective traffic enforcement activity at a railway-highway crossing
44. Development of a transportation safety plan.
45. Improvement in the collection and analysis of data
46. Planning integrated interoperable emergency communications equipment, operational activities or traffic enforcement activities (including law enforcement assistance) relating to work zone safety.
47. Conducting road safety audits

Because Caltrans PQS staff have determined in advance that the above-listed activities do not have potential to affect historic properties, these activities may be considered exempt from Section 106 without further review by PQS. The provisions of this memo apply only when the federally-funded undertaking is limited to one or more of the activities listed above. Additional

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review by District PQS will be required if the undertaking involves any activities that are not listed herein, including those listed as screened activities in Attachment 2 of the PA.

This supersedes the memorandum on this subject dated January 16, 2006 (King to Abbott). If you have any questions, please contact Jill Hupp at (916) 654-3567 or jill_hupp@dot.ca.gov.

c: Jill Hupp; Germaine Belanger

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**EXHIBIT 6-ATTACHMENT B NON-INFRASTRUCTURE PROJECT NATURAL ENVIRONMENTAL
STUDY-NO EFFECT MEMO (NOVEMBER 7, 2011)**State of California
DEPARTMENT OF TRANSPORTATION

Business, Transportation and Housing Agency

M e m o r a n d u m*Flex your power!
Be energy efficient!***To:** MARGARET BUSS
OFFICE CHIEF, LOCAL ASSISTANCE
DIVISION OF ENVIRONMENTAL ANALYSIS**Date:** November 7, 2011**From:** GREGG ERICKSON 
Chief, Biology & Technical Assistance Office
Division of Environmental Analysis**Subject:** Amendment - Non-Infrastructure Project Natural Environmental Study – No Effect Memo

Additional Undertaking added, per this amendment.

There have been an increasing number of non-infrastructure projects eligible for federal-aid highway funds. These non-infrastructure projects are part of the Safe Routes to Schools (SRTS), Transportation Enhancement, and Congestion Mitigation and Air Quality programs. These projects will not involve engineering design, right of way, ground disturbance or construction.

The Office of Biological and Technical Assistance have determined in advance that the non-infrastructure classes of non-construction related undertakings do not have the potential to affect natural resources. Projects listed below will have no effect or impact on natural resources including but not limited to; state or federally listed species; designated critical habitat, state or federally recognized sensitive habitats, or potential waters of the state or U.S. Furthermore, these activities will not require any permits associated with natural resource laws, regulations, or policies. Therefore, the activities listed below may be considered exempt without further review related to natural resources. Should the description of these undertakings change or involve other activities, additional review will be necessary to assess the effects to natural resources.

List of Non-infrastructure Classes of Non-construction Undertakings

1. Ridesharing activities, including purchase of vehicles, but not including establishment of park-and-ride lots.
2. Program administration, technical assistance activities, and operating assistance to transit authorities to continue existing service or increased service to meet routine changes in demand.
3. Freeway service patrol.
4. Conversion of vehicles to alternative fuels.
5. Alteration of vehicles to make them accessible for the elderly or persons with disabilities.
6. Contracts to hire media organizations to produce non-English language commercials.
7. Purchase of transit fare boxes.
8. Upgrading diesel powered vehicles.
9. Purchase of transit buses.
10. Classroom training.
11. Software development.
12. Purchase of CNG or alternative fuel vehicles.
13. Purchase of School Buses.
14. Computer Purchases.

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15. Safety Education for Pedestrians and bicyclists
16. Virtual museums
17. Educational outreach
18. HSIP safety awareness and public outreach
19. Traffic data collection and analysis
20. Purchase Crossing guard uniforms
21. Purchase Cones
22. Preparation of Crossing Plans
23. Publicity
24. Staff Time
25. Public awareness campaigns and outreach to press and community leaders
26. Traffic education and enforcement in the vicinity of schools
27. Student sessions on bicycle and pedestrian safety
28. Conducting school traffic safety rodeos or bicycle rodeos
29. Training volunteers and managers of safe routes to school programs
30. Modest incentives for SRTS contests, and incentives that encourage more walking and bicycling over time
31. Creation of safety and educational tokens that also advertise the program.
32. Photocopying, duplicating, and printing costs, including CDs, DVDs, etc.
33. Mailing costs.
34. Costs for data gathering, analysis, and evaluation reporting at the local project level.
35. Pay for substitute teacher if needed to cover for faculty attending SRTS functions during school hours.
36. Costs for additional law enforcement or equipment needed for enforcement activities.
37. Equipment and training needed for establishing crossing guard programs.
38. Stipends for parent or staff coordinators.
39. Costs to engage the services of a consultant (either non-profit or for-profit) to manage a SRTS program as described in the prior bullet.
40. Implementation of walking school bus program
41. Walkability/bikeability audits
42. Conducting an effective traffic enforcement activity
43. Plans and Programs that do not involve major decisions that would lead to irretrievable commitment of resources, present or future construction, or ground disturbance, such as the installation of new sign posts.

c: Pettler

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